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Attorneys for Defendant Green Patch, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

Zynga Game Network Inc.,

Plaintiff,

vs.

Green Patch, Inc.,

Defendant.

CASE NO. 09-CV-3636-SC (EMC)

STIPULATION TO FILE UNDER SEAL
DOCUMENTS SUBMITTED IN SUPPORT
OF MOTION FOR PAYMENT OF
EXPENSES PURSUANT TO FED. R. CIV. P.
37(a)(5) AND SUPPLEMENTAL REQUEST
FOR RULE 37(b) SANCTIONS ; ORDER

Honorable Edward M. Chen
United State Magistrate Judge

Complaint Filed: August 7, 2009

Pursuant to Civil Local Rules 7-11 and 79-5, and General Order 62, Plaintiff Zynga Game Network Inc. (“Zynga”) and Defendant Green Patch, Inc. (“Green Patch”) stipulate to Zynga’s filing of documents submitted in support of its motion for payment of expenses pursuant to Fed. R. Civ. P. 37(a)(5) and supplemental request for Rule 37(b) sanctions under seal:

1. WHEREAS, Zynga intends to file its Motion for Payment of Expenses Pursuant to Fed. R. Civ. P. 37(a)(5) and Supplemental Request for Rule 37(b) Sanctions (“Motion”) on November 8, 2010;

2. WHEREAS, Zynga intends to file an Administrative Motion to File Under Seal Documents Submitted in Support of its Motion for Payment of Expenses Pursuant to Fed. R. Civ. P. 37(a)(5) and Supplemental Request for Rule 37(b) Sanctions (“Motion to Seal”);

3. WHEREAS, Zynga shall include in its motion to seal a request that portions of the transcripts of Green Patch’s 30(b)(6) deposition of Raymond Mason and the depositions of David King, as well as Deposition Exhibit No. 65 (GP31875-31882), attached to the Declaration of Claude M. Stern and submitted in support of Zynga’s Motion be filed under seal;

4. WHEREAS, pursuant to Civil Local Rule 79-5 and General Order 62, Zynga shall file with its Motion to Seal a public redacted version of the brief it intends to file under seal;

5. WHEREAS, the requested relief is necessary and narrowly tailored to protect the confidentiality of the redacted material, including Green Patch’s designated confidential business and financial information;

6. WHEREAS, the redacted material constitutes, references, or summarizes documents, information, or deposition testimony that Green Patch designated in the above-entitled litigation as “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Protective Order (D.N. 74);

7. WHEREAS, Green Patch contends that the material it has designated as “Highly Confidential – Attorneys’ Eyes Only” is not known or publicly available and disclosure could be used by competitors or other persons to gain an unfair competitive advantage;

8. WHEREAS, pursuant to Civil Local Rule 79-5(d), Green Patch shall file a declaration establishing that the designated information is sealable;

IT IS HEREBY STIPULATED by the parties, through their respective counsel of record,

1 that Zynga should be permitted to file under seal documents submitted in support of its motion for
2 payment of expenses pursuant to Fed. R. Civ. P. 37(a)(5) and supplemental request for Rule 37(b)
3 sanctions. Zynga is directed to electronically file the above documents under seal pursuant to
4 General Order 62.

5 **IT IS SO STIPULATED.**

6
7 DATED: November 8, 2010

QUINN EMANUEL URQUHART & SULIVAN, LLP

8
9 By /s/

Gabriel S. Gross

10 Attorneys for Zynga Game Network Inc.

11 DATED: November 8, 2010

MUNGER, TOLLES & OLSON LLP

12
13 By /s/

14 Carolyn Hoecker Luedtke

15 Attorneys for Green Patch, Inc.

16 I, Gabriel S. Gross, am the ECF User whose identification and password are being used to
17 file this document. Pursuant to General Order 45.X.B, I hereby attest that counsel for Defendant
18 has concurred in this filing.

19
20 IT IS SO ORDERED:

21
22 Edward M. Chen

23 U.S. Magistrate

